

GR. 2124-05 (D)

Conf
Pam
#550

Duke University Libraries
Benjamin Huger
Conf Pam #550

D991099813



IN EQUITY.

CHARLESTON DISTRICT.

BENJAMIN HUGER READ.

Executor J. HARLESTON READ, et al.,

ads.

J. HARLESTON READ,

ADMINISTRATOR.

JAMES SIMONS,

Complainant's Solicitor.

DESAUSSURE & SON, and

MEMMINGER, JERVEY & WILKINSON,

Solicitors for B. H. READ, Executor.

NELSON MITCHELL,

Solicitor for Capt. MAFFIT and family.

CHARLESTON:

STEAM-POWER PRESSES OF EVANS & COGSWELL.

No. 3 Broad and 103 East Bay Street.

1861.

RBD
Cm-
Pam
#550

SOUTH CAROLINA—CHARLESTON DISTRICT.

BENJAMIN H. READ,
EX'OR J. HARLESTON READ, *et al.*,
ads. } *In Equity.*
J. HARLESTON READ, Adm'r.

GROUNDS OF APPEAL.

By BENJAMIN H. READ Executor J. HARLESTON READ.

1. That his Honor the presiding Chancellor erred in decreeing that the decedent, J. Harleston Read, became trustee, under the deed of marriage settlement, for himself and his children.

2. That his Honor the presiding Chancellor erred in decreeing an account against the estate of the decedent J. Harleston Read, when, by the decree, it is declared that the said J. Harleston Read, and his co-heirs, the children of the marriage, became jointly "bound to execute the trusts which the property had been subjected to by the deed of July 18th, 1811."

3. That his Honor the presiding Chancellor erred in decreeing that the long and exclusive possession by the decedent, J. Harleston Read, was not an ouster, when by the decree it is declared that the decedent and his co-heirs were jointly bound to execute the trust.

4. That the co-heirs, being jointly interested in the usufruct with the decedent, were ousted by his occupancy and enjoyment, and his Honor the presiding Chancellor erred in not so decreeing.

5. That his Honor the presiding Chancellor erred in decreeing that the claim of the deceased, James Withers Read, was not barred by the analogy of the Statute of Limitations, and his administrator not debarred from making claim for an account by reason of the staleness of the same.

6. That his Honor the presiding Chancellor erred in decreeing that the deceased children of the marriage are entitled to an account, after so great lapse of time since their respective deaths in minority, and when the law presumes a settlement of their estates by lapse of time.

7. That his Honor the presiding Chancellor erred in decreeing that the confession of judgment by the complainants, decedent J. Withers Read, to the defendants, decedent J. Harleston Read, was not a full presumptive evidence of a settlement of all accounts between them up to such time.

8. That his Honor the presiding Chancellor erred in decreeing that the legacy, under the will of the decedent J. Harleston Read, to his grandchildren, John Laurens Read and Mary Withers Read, presented neither a case of election nor one of satisfaction. •

9. That his Honor the presiding Chancellor erred in not decreeing that the complainants, decedent J. Withers Read, should, under all the circumstances of this case, including therein his maintenance until majority and the advances subsequently made to and for him by the defendants, decedent J. Harleston Read, and evinced by J. Withers Read's confession of judgment, be presumed to have no claim for any account anterior to the date of such confession of judgment.

DESAUSSURE & SON,
Sols BENJAMIN H. READ.

Permalife®
pH 8.5